

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>R. DANE SHARP INDIVIDUALLY</b> <b>AND ON BEHALF OF ALL</b> <b>SIMILARLY SITUATED</b> <b>EMPLOYEES</b>  <b>PLAINTIFF</b>  <b>CGGVERITAS LAND (U.S.) INC.</b>  <b>DEFENDANT</b>	§ § § § § § § § § § §	<b>CASE NO.</b>
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**ORIGINAL COMPLAINT – JURY TRIAL DEMANDED**

Comes now the plaintiff R. Dane Sharp, individually and on behalf of all similarly situated employees (collectively the “Plaintiff”), complaining of the defendant CGGVeritas Land (U.S.) Inc. (“CGG”) and for his cause of action alleges:

1. Plaintiff had been employed by CGG in a number of positions including truck driver and vibe operator from November of 2010 to approximately October 1, 2014. He brings this action on his own behalf and on behalf of all CGG present and former similarly situated employees pursuant to 29 U.S.C. § 216(b) as a collective action and/or as a class action pursuant to F.R.C.P. 23 seeking to recover unpaid minimum wages, regular wages, overtime compensation, liquidated damages, attorneys’ fees and costs under the provision of Section 16(b) of the Fair Labor Standards Act of 1938 as amended 29 U.S.C. Section 216(b)(the “FLSA”).

2. Jurisdiction of this action is conferred on this Court by § 16(b) of the FLSA (29 U.S.C.A. Section 216(b) and 28 U.S.C. § 1131 which grant the district courts original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United

States. Venue is proper in the Northern District of Oklahoma in accordance with 28 U.S.C. 1391(c) as CGG maintains minimum contacts with the Northern District rendering it subject to personal jurisdiction in the district.

3. Defendant CGG is a for profit corporation that gathers and provides seismic data for exploration sites. The company is based in Houston, Texas and operates as a subsidiary of Compagnie Générale de Géophysique-Veritas.

4. At all relevant times CGG was engaged in a business which regularly employed vehicles, equipment, goods and supplies that were manufactured in various states and which were transported among numerous states. CGG handled or caused to be handled on its behalf goods and materials that had moved in interstate commerce. CGG at all material times had yearly gross sales revenues far exceeding \$500,000.00.

**CAUSE OF ACTION – FAILURE TO PAY OVERTIME AND MINIMUM WAGES AS  
REQUIRED BY THE FAIR LABOR STANDARDS ACT**

5. Plaintiff during his entire tenure with CGG had been employed and paid as an hourly non exempt employee for the purpose of payment of overtime compensation. Plaintiff, and other similarly situated hourly non exempt employees, were each required to regularly work in excess of forty (40) hours in numerous if not all work weeks. CGG failed and refused to properly compensate Plaintiff and other similarly situated employees for such work in excess of forty (40) hours at a rate of pay of not less than one and one-half times the regular rates at which they were employed contrary to the provision of Section 7(a) of the FLSA (29 U.C.A. Section 207(a)). CGG failed to include in the regular rate all remuneration for employment paid to, or on behalf of, the Plaintiff and other similarly situated hourly employees as required by 29 U.S.C. § 207(e). Specifically CGG failed to include in the regular rate certain cash payments known as ‘hot shot’

payments. These cash payments were paid to Plaintiff and all similarly situated CGG employees in the amount of \$35.00 per day. These payments were not for traveling expenses or other properly reimbursable expenses incurred by the employee in the furtherance of CGG's interests.

6. Plaintiff alleges that CGG's failure to compensate him and the other similarly situated employees was a knowing and/or willful violation of the FLSA.

7. Plaintiff also seeks liquidated damages in an amount equal to his respective actual damages for himself and other similarly situated employees.

8. By reason of CGG's refusal to pay the unpaid minimum wages and overtime due Plaintiff and the other similarly situated employees it has been necessary for the Plaintiff to employ an attorney to prosecute this action. Plaintiff and the other similarly situated employees are entitled to recover their reasonable value of their attorney's services. It is the Plaintiff's intent to seek class and/or collective action status for this action.

### **PRAYER**

WHEREFORE Plaintiff prays in his individual behalf and on behalf of all other similarly situated CGG former, present and future employees for the following relief:

- (1) Judgment against CGG in the amounts respectively due for overtime compensation, regular wages, minimum wages, liquidated damages as will be proven at trial;
- (2) The costs of this action including allowance of a reasonable attorneys' fee for the prosecution of this action as required by the FLSA; and
- (3) Such other and further relief the Court deems proper.

Dated this the 14<sup>th</sup> day of October 2014.

Respectfully submitted,

s/ J. Vince Hightower

J. Vince Hightower

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